

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR99-294MJP
)	
v.)	
)	PROPOSED FINDINGS OF FACT
TIMOTHY PAUL SABALA.)	AND DETERMINATION AS TO
)	ALLEGED VIOLATIONS OF
Defendant.)	SUPERVISED RELEASE
)	

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on July 7, 2008. The defendant appeared pursuant to a summons. The United States was represented by Lisca Borichewski, and Defendant was represented by Lee Covell. Also present was U.S. Probation Officer Jerrod Akins. The proceedings were digitally recorded.

CONVICTION AND SENTENCE

Defendant was sentenced on February 28, 2001 by the Honorable Barbara J. Rothstein for conspiracy to import and distribute marijuana and conspiracy to engage in money laundering. He received 15 months of imprisonment and five years of supervised release.

PRIOR VIOLATION

On May 27, 2004 a report on offender on supervision was submitted after defendant

1 committed the crime of diving while license suspended. The probation department's
2 recommendation that no action be taken was accepted by the Court. On May 18, 2007 the
3 probation department petitioned for summons for an offender under supervision. On August 1,
4 2007, defendant was sentenced to 16 days of imprisonment and 24 months of supervised release
5 after admitting to associating with convicted felons, Jamie Barrett and Jeffrey Fisher, consuming
6 alcohol and failing to be truthful to the probation office. As a condition of supervision, the Court
7 ordered defendant not have any contact with Jamie Barrett without permission of the probation
8 department.

9 PRESENTLY ALLEGED VIOLATIONS AND
10 DEFENDANT'S ADMISSION OF THE VIOLATIONS

11 In a petition dated June 5, 2008, Supervising U.S. Probation Officer Jerrod Akins alleged
12 that defendant violated the following conditions of supervised release:

- 13 1) Associating with Jamie Barrett, a convicted felon, on May 30 and June 2, 2008,
14 without the permission of the probation officer, in violation of the special condition that he have
15 no direct or indirect contact with Jamie Barrett without the permission of the probation officer.
16 2) Consuming alcohol on May 30, 2008, in violation of the special condition that he
17 abstain from the use of alcohol.

18 At the hearing on July 8, 2008, defendant was advised of his right to contest the allegations
19 and of the consequences of being found in violation of the violations. Defendant admitted the
20 above violations, waived any hearing as to whether they occurred, and was informed the matter
21 would be set for a disposition hearing before District Judge Marsha J. Pechman.

22 RECOMMENDED FINDINGS AND CONCLUSIONS

23 Based upon the foregoing, I recommend the Court find that defendant has violated the

1 conditions of his supervised release as alleged above, and conduct a disposition hearing. At the
2 request of the parties and probation department, the defendant was released subject to all
3 previously imposed conditions of supervised release.

4 DATED this 8th day of July, 2008.

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6 BRIAN A. TSUCHIDA
7 United States Magistrate Judge
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